

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:	:	
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u>	:	Case No. 08-35653 (KRH)
	:	
	:	Chapter 11
	:	
Debtors	:	Jointly Administered
	:	

**RESPONSE OF CHARLES COUNTY, MARYLAND TO DEBTORS' THIRTY-
SEVENTH OMNIBUS OBJECTION TO CLAIMS
(REDUCTION OF CERTAIN PERSONAL PROPERTY TAX CLAIMS)**

Charles County, Maryland (the "County"), by and through undersigned counsel, pursuant to Local Rule 3007-1 responds to Debtors' Thirty-Seventh Omnibus Objection to its claim as follows.

1. On June 19, 2009, the County timely filed herein an estimated administrative claim for fiscal year 2010 business personal property taxes for account number F01227743 in the amount of \$14,363.49 (hereinafter, "Claim No. 13576") against debtor, Circuit City Stores, Inc. ("Debtor").

2. The Debtors' have filed an objection to Claim No. 13576 asserting that it is overstated in its amount given the value of the personal property that is subject to the personal property taxes. Specifically, the Debtors are asserting that the fiscal year 2010 personal property taxes for this account should be reduced from \$14,363.49 as set forth in Claim No. 13576 to \$1,678.79, a reduction of over 88%.

Brett Christopher Beehler, VSB No. 40475
Meyers, Rodbell & Rosenbaum, P.A.
6801 Kenilworth Avenue, Suite 400
Riverdale Park, Maryland 20737
Telephone: (301) 699-5800
Attorneys for Charles County, Maryland

3. The Debtors purport to have determined this reduced tax amount based upon the value of the taxable furniture, fixtures, equipment and leasehold improvements which were on the subject property utilizing representative models of the property's site configuration and a detailed list of assets as inventoried by the Debtors. None of the documentation referenced in support of the Debtors' position has been attached to the Objection or otherwise provided to the County.

4. Claim No. 13576 was estimated by the County based upon the Debtor's prior fiscal year 2009 personal property tax bill, which was itself based upon the Debtor's calendar year 2008 personal property tax return filed by the Debtors on April 15, 2008. Based upon the 2008 return filed by the Debtor, the assessment generated for calendar year 2008 for Charles County was \$559,980.00. This assessment for calendar year 2008 was never challenged by the Debtor.

5. It was necessary for the County to estimate its claim for these fiscal year 2010 personal property taxes since as of the date Claim No. 13576 was filed (June 19, 2009), the 2009 assessment had not yet been rendered by the Maryland Department of Assessments and Taxation ("SDAT") and accordingly, no corresponding bill had been generated by the County.

6. On September 14, 2009, based upon the Debtor's own information reported in its calendar year 2009 personal property tax return filed on April 15, 2009, the SDAT rendered an actual calendar year 2009 assessment for this particular location in the amount of \$511,910.00. Multiplying this by the applicable tax rate for this district yields an actual Fiscal year 2010 tax bill in the amount of \$13,130.50. The County will agree to amend down Claim No. 13576 to match this amount.

7. Based upon the Debtors' Objection, and dividing by the applicable tax rate, the Debtors appear to be taking the position that the total value of the taxable furniture, fixtures, equipment and leasehold improvements at this location was only \$65,449.90 as of January 1, 2009. Again, no documentation has ever been provided to the County in support of this assertion.

8. According to the calendar year 2008 personal property tax return filed by the Debtor with the SDAT on April 15, 2008, as of January 1, 2008, the Debtor reported holding furniture, fixtures, equipment and leasehold improvements (hereinafter, "Collateral") at this location totaling \$559,980.00. One year later, on April 15, 2009, the Debtor filed its calendar year 2009 personal property tax return reporting Collateral at this location as of January 1, 2009 in the amount of \$511,910.00.

9. Comparing the two returns filed by the Debtor, there appears to be a reduction between the 2008 assessment and the 2009 assessment of approximately 8.6%. Now, without any substantive documentation, the Court is expected to rule that the value of the collateral dropped by 88% between January 1, 2008 and January 1, 2009. Moreover, the claimed reduction from the value just reported by its verified return filed in April of this year is in the range of 87%. The Debtors have provided no justification for this.

10. The County will stipulate that Claim No. 13576 can be reduced from the estimated amount (\$14,363.49) to \$13,130.50 to reflect the actual 2009 assessment.

WHEREFORE, Charles County, Maryland respectfully prays that this Court:

1. Deny Debtors' Thirty Seventh Omnibus Objection To Claims as it pertains to Claim No. 13576 – Charles County, Maryland; and

2. Grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

MEYERS, RODBELL & ROSENBAUM, P.A.

By: /s/ Brett Christopher Beehler

Brett Christopher Beehler, VSB No. 40475
680I Kenilworth Avenue, Suite 400
Riverdale Park, Maryland 20737
Telephone: (301) 699-5800
Attorneys for Charles County, Maryland

CERTIFICATE OF SERVICE

I Brett C. Beehler, hereby certify that a true and correct copy of the foregoing RESPONSE OF PRINCE GEORGE'S COUNTY, MARYLAND TO DEBTORS' THIRTY-SEVENTH OMNIBUS OBJECTION TO CLAIMS (REDUCTION OF CERTAIN PERSONAL PROPERTY TAX CLAIMS) was served by electronic means on the "2002" and "Core" lists and through ECF system which in turn will generate an electronic notice of filing to all parties registered to receive electronic notice from the Courts and was served via U.S. Mail upon the parties listed below on this 22nd day of September, 2009.

Office of the U.S. Trustee
701 E. Broad St. Suite 4304
Richmond, Virginia 23219-1888
Attn: Robert B. Van Arsdale;

Circuit City Stores, Inc.
9950 Mayland Dr.
Richmond, Virginia 23233
Attn: Reginald D. Hedgebeth

Circuit City Stores, Inc.
9950 Mayland Dr.
Richmond, Virginia 23233
Attn: Daniel W. Ramsey

Skadden, Arps, Slate, Meagher & Flom, LLP
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899-0636

Attn: Gregg M. Galardi

Skadden, Arps, Slate, Meagher & Flom, LLP
333 West Wacker Drive
Chicago, Illinois 60606
Attn: Chris L. Dickerson

McGuireWoods LLP
One James Center
901 E. Cary St.
Richmond, VA 23219
Attn: Dion W. Hayes

By: /s/ Brett C. Beehler
Brett C. Beehler